

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Trevor L. Holloway,) C/A No. 4:17-663-BHH-TER
)
)
Plaintiff,) ORDER
vs.)
)
Captain Kenneth Downing,)
Lieutenant Mickey Bolland,)
Medical Doctor Scott,)
Nurse Donna Miller,)
)
Defendants.)
)

)

This case is before the Court due to Plaintiff's failure to comply with the Magistrate Judge's Orders of March 13, 2017, and April 25, 2017. (ECF Nos. 7, 16.) A review of the record indicates that the Magistrate Judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days of each order, and specifically informed Plaintiff that if he failed to do so, this case would be subject to dismissal.

The first order was returned as undeliverable and a notice of a change of address was received from Plaintiff. (ECF Nos. 9, 10.) The Clerk re-mailed the first Order on March 30, 2017. Plaintiff did not respond to the order. The Court issued a second proper form Order on April 25, 2017. The mail in which the second Order was sent to Plaintiff's provided address has not been returned to the Court, thus it is presumed that Plaintiff received the Order, but has neglected to comply with it within the time permitted under the Order. The Court has not received any response from Plaintiff and the time for his compliance has passed.

Plaintiff's lack of response to the Orders indicate an intent to not prosecute this case, and subjects this case to dismissal. See Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a Plaintiff fails to comply with an order of the court); see also *Ballard v. Carlson*,

882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss *sua sponte*).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

May 23, 2017
Florence, South Carolina

s/Bruce Howe Hendricks
Hon. Bruce Howe Hendricks
United States District Judge